

REMARKS/ARGUMENTS

The above amendments are made to make the claims more clear. The language "is made from" in claim 1 was amended to "comprising" as that term is more commonly used and better understood in patent law. As such, no substantive information, and hence no new matter, is added.

The Applicant sincerely thanks the Examiner for the withdrawal of the previous rejections based on 35 USC § 112, and for the courtesies extended in the telephonic interview with Applicant's representative on June 12, 2009, as memorialized in the Examiner's Interview Summary dated June 17, 2009.

The Examiner has objected to claim 8 as failing to further limit the subject matter of the previous claim. Applicant has amended the claim as suggested by the Examiner, such that it is clear that the upper end of the range remains the same as in claim 1. Accordingly the Applicant respectfully requests that this objection be withdrawn.

Next, the Examiner has rejected Claims 1-6, 8, 9, 11-14, 17, 18 and 20-22 under 35 USC § 102(b) as being anticipated by Kelch (US 5,000,992) as evidenced by Chen et al (US 5,286,525) and Esneault et al. (WO 96/16122). The claims were previously amended to recite a film consisting essentially of one or more foamed polyolefin sheets in an attempt to distinguish the references cited by the examiner which required foamed as well as non-foamed sheets. The Examiner responded to this saying, "absent a clear indication of what the basic and novel characteristics are, 'consisting essentially of' is construed as equivalent to 'comprising'", and with that understanding, found that the claims were still not novel over the art which required the non-foamed layers. The claims have accordingly been amended to recite "consisting of" rather than "consisting essentially of". With this amendment, it is clear that the claimed films do not include any films with a non-foamed sheet. Thus the claims now clearly exclude the films of Kelch. Therefore, for the reasons previously given, Applicant respectfully asserts that the claims define patentable subject matter over the art of record.

Withdrawal of the remaining rejections and a Notice of Allowance is now courteously solicited.

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Respectfully submitted,

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